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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,661	02/18/2004	Peter C. Brusso	040580	5222
24243	7590	12/02/2004	EXAMINER	
CHARMASSON & BUCHACA & LEACH LLP			LABAZE, EDWYN	
1545 HOTEL CIRCLE SOUTH			ART UNIT	
SUITE 150			PAPER NUMBER	
SAN DIEGO, CA 92108-3412			2876	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,661

Applicant(s)

BRUSSO ET AL.

Examiner

EDWYN LABAZE

Art Unit

2876



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-5 are presented for examination.
2. This application claims the benefits of provisional application No. 60/448,201 filed on 2/18/2003.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Urquhart et al. (U.S. 6,129,275).

Re claim 1: Urquhart et al. discloses smart card transaction system and encoder-dispenser, which includes means for accepting and processing [as shown in fig. # 1, which includes a slot for inserting the {smart or credit} card] a creditable and debitable smart card 40 (col.4, lines 15+); electromechanical means for accepting currency [through the opening 14 of fig. # 1; col.4. lines 14+]; means, responsive to the means for accepting, for writing [through a card reader/writer 50 as shown in figs. # 5-6; and as disclosed on the flowcharts of figs. # 7a-7c] on the card an amount of currency accepted by the electromechanical means (col.2, lines 18+; col.2, lines 55+; col.6, lines 60-67); and means for debiting the card by the amount of said payment (as shown in fig. # 9a; col.9, lines 1-10; col.10, lines 1-3).

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Re Claim 2: Urquhart et al. teaches a system and method, wherein the means for accepting currency comprises a bank note [otherwise known in the art as a bill, money, legal tender or coins] acceptor (col.3, lines 1+; col.3, lines 59+; col.4, lines 58+).

Re Claim 3: Urquhart et al. discloses a system and method, which further comprises means for storing records [wherein the bill/money is deposited into an escrow account; as shown in fig. # 8c, 8e] of currency amounts accepted by the electromechanical means (col.8, lines 63+) and of the given price debited from the card (as shown in fig. # 9a; col.9, lines 1-10; col.10, lines 1-3).

Re Claim 4: Urquhart et al. teaches a system and method, which further comprises means for communicating [such telephone wire, Internet or any other well known media] the records to an account clearing house (col.5, lines 10+).

Re Claim 4: Urquhart et al. discloses a system and method, wherein in combination with an account clearing house [herein a central data bank 58 to verify the card 40; col.5, lines 1+]; and means associated with the clearing house for crediting an operator of the machine with the debited given price and to debit the operator by the accepted currency Amount (as shown in fig. # 9a; col.9, lines 1-10; col.10, lines 1-3).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Christiansen et al. (U.S. 5,748,485) discloses software vending machine having CD-ROM storage.

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Bartley et al. (U.S. 6,712,266) teaches network transaction and cash-accepting add-value station.

Lindgren et al. (U.S. 6,732,922) discloses system enablement of automatic fare collection devices using a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
November 19, 2004



THIEN M. LE
PRIMARY EXAMINER